IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 36848 of 2004(J)

PETITIONER:

THAZHEKUNNOTH MARIYAM,
W/O. LATE KUNHABDULLA, AGED 53 YEARS, KARAYATT,
VANIMAL P.O., VATAKARA VIA., KOZHIKODE DISTRICT.

BY ADV. SRI.WILSON URMESE
SMT.DIVYA K.CHACKO

RESPONDENTS:
----

1. JASSEENA NELLIYAMPRATH, D/O. KUNHALI,
PARAPPU PARAMEL HOUSE, KODIYURA P.O., VANIMAL,
VATAKARA, KOZHIKODE DISTRICT.

2. THE DISTRICT COLLECTOR, KOZHIKODE.

3. THE EXECUTIVE ENGINEER,
P.W.D. ROADS DIVISION, KOZHIKODE.

4. M/S. HINDUSTAN PETROLEUM COMPANY LTD.,
REP. BY ITS REGIONAL MANAGER, ELATHUR, KOZHIKODE.

5. THE CHIEF ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, KOZHIKODE.

R4 BY ADV. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN
SRI.C.P.MOHAMMED NIAS --- R1
GOVERNMENT PLEADER SRT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 36848/2004 J

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOC ISSUED TO THE R4 BY THE R2 DT. 9/7/04.

EXT.P2. COPY OF THE PROCEEDINGS BEARING REG. NO. D4. 23476/04 DT. 19/10/04 OF THE R2.

EXT.P3. COPY OF THE PROCEEDINGS REF. NO. 23476/2004/04 DT. 24/11/2004 OF THE R2.

EXT.P4. COPY OF THE REPRESENTATION DT. 8/12/2004 BY THE PETITIONER BEFORE THE R2.

EXT.P5. COPY OF THE REPRESENTATION DT. 8/12/2004 FILED BY THE PETITIONER BEFORE THE R3.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE ORDER DT. 7/8/04 IN IA NO. 717/2004 IN OS NO. 104/2004, MUNSIFF COURT, NADAPURAM.

EXT.R1B. COPY OF THE ORDER IN CMP NO. 16/2004 SUB COURT, VADAKARA.

True copy

tga

KURIAN JOSEPH, J.

W.P.(C). NO. 36848 OF 2004

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioner approached this Court praying for a direction to respondents 2, 3 and 5 not to issue No Objection Certificate to the fourth respondent for establishing a petroleum outlet at Vanimal. It is seen from the counter affidavit filed by the second respondent that the Competent Authority having considered all aspects of the matter and on being satisfied that there is no harm to the health of the public, and that there is no impediment under law in setting up the petroleum outlet, granted NOC. There is no reply affidavit.

2. It is submitted by the respondents that the first respondent has been functioning the outlet for the last five years. Therefore, this writ petition is disposed of making it clear that in case the petitioner has still any grievances with regard to the pollution, he may approach the Pollution Control Board, in which case, appropriate action in accordance with law shall be taken with notice to all the affected parties also.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp